

From: Patrick Settle
To: Microsoft ATR
Date: 1/2/02 1:09pm
Subject: Microsoft Anti-Trust Trial

Greetings,

I have attached my Comments on the Microsoft Anti-trust Trial, to this email in Rich Text Format (RTF). I have also included the text of the document in this email below.

If additional information is needed please let me know.

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Comments:

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Friday, December 28, 2001

Renata Hesse
Antitrust Division
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601 D Street NW, Suite 1200
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Greetings,

As an Information Technology professional, and user of Microsoft products, with over six years of professional experience in the computer industry, I have seen the negative impacts to the computer industry

brought upon it by Microsoft. Their unethical business practices which allowed them to evolve into a monopoly, and their current attempts to maintain that monopoly has stifled a great deal of technology innovations, along with damaging business opportunities for other companies.

I cannot see how the settlement that is proposed even pretends to remedy the antitrust violations for which Microsoft has been found culpable. Microsoft has already been found in violation, and this is the penalty phase of the case, but the settlement contains no penalties and actually advances Microsoft's operating system monopoly.

A just penalty, would at barest minimum include three additional features:

- * Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers, so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

- * The specifications of Microsoft's present and future document file formats must be made public, so that documents created in Microsoft applications may be read by programs from other makers, on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API, the set of "hooks" that allow other parties to write applications for Windows operating systems), which is already part of the proposed settlement.

- * Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

As the judge has suggested the national interest is at issue here, therefore it is crucial that Microsoft's operating system monopoly not be extended. Allowing Microsoft's Monopoly to stand, and in fact increase, weakens our national security by the creation of an information monoculture. As Paul A Strassmann states, "Info-terrorists and criminals will continue to take advantage of the ever-growing proliferation of flaws in the gigantic Microsoft system, consisting of hundreds of millions of lines of failure-prone code."

In closing, the outcome of this case will affect us not only to day but the future of information technology, and the nation. A thorough and though out penalty is far more important to the health of the nation

than is a hasty one.

Thank you for you time.

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